

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Joseph Littlejohn,)	
)	
Plaintiff,)	Civil Action No. 5:17-1808-RMG
)	
vs.)	
)	
Nancy A. Berrryhill, Acting Commissioner)	
of Social Security,)	
)	ORDER
Defendant.)	
)	
)	
)	

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff’s application for Disability Insurance Benefits (“DIB”). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation (R & R) on July 13, 2018, recommending that the decision of the Commissioner be reversed and remanded to the agency because of the failure of the Administrative Law Judge (“ALJ”) to (1) address and analyze the applicability of Listing 1.03 where “there is probative evidence in the record to support a determination that Plaintiff’s impairment meets or equals Listing 1.03;” and (2) address Plaintiff’s restrictions on using his left upper extremity where there is not substantial evidence in the record to support a finding that there are no restrictions. (Dkt. No. 17 at 15-24). The Commissioner and the Plaintiff have advised the Court that they do not intend to file objections to the R & R. (Dkt. Nos. 19, 21).

The Court has reviewed the R & R and the record evidence and finds that the Magistrate

Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court **ADOPTS** the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Gergel', is written over a horizontal line.

Richard Mark Gergel
United States District Judge

Charleston, South Carolina
July 31, 2018